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Counsel for Hyundai Corporation USA

FILED
JUL 29 2019 *mt*
UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re

PG&E CORPORATION

-and-

PACIFIC GAS & ELECTRIC
COMPANY,

Debtors.

Bankruptcy Case Nos. 19-30088 (DM) (Lead Case)
19-30089 (DM)

Chapter 11

(Jointly Administered)

**NOTICE OF CONTINUED PERFECTION,
MAINTENANCE AND ENFORCEMENT OF
MECHANICS LIEN CLAIM PURSUANT TO
11 U.S.C. § 546(b)(2)**

- ☐ Affects PG&E Corporation
☒ Affects Pacific Gas and Electric
Company
☐ Affects both Debtors

*All papers shall be filed in the Lead
Case, No. 19-30088 (DM)

PLEASE TAKE NOTICE that Hyundai Corporation USA ("Hyundai") by and through its undersigned counsel, hereby gives notice (the "Notice") of continued perfection of its mechanics lien (the "Mechanics Lien" or the "Lien") under section 546(b)(2) of the United States Bankruptcy Code (the "Code"), as follows:

Hyundai is a corporation that has provided and delivered labor, services, equipment, and materials for the improvement of projects on the real property located in City of Tracy, County of San Joaquin, California, and more particularly located at Pacific Gas & Electric Company, 23851 Kasson Road, Tracy, CA 95304, APN: 239-090-040-000 (the "Property"), which is owned or reputed to be owned by Debtor Pacific Gas & Electric Company (the "Debtor"). The delivered labor, services, equipment, and materials were provided to the Debtor

1 pursuant to a contract entered into between Hyundai and the Debtor, effective as of October 3,
2 2017 (the "Master Agreement"). Under Purchase Order # 2501593682, which arises under the
3 Master Agreement, the Debtor owes \$79,003.00, plus interest thereon at the legal rate from April
4 1, 2019, related to the gray colored Transformer, serial # 20171632-TFC039, which Hyundai
5 manufactured and then installed at the Property.

6 On June 18, 2019, Hyundai properly perfected its Mechanics Lien under California
7 Civ. Code §§ 8400, et seq. by timely recording its Mechanics Lien in the Official Records of San
8 Joaquin County, Document # 2019-063878, as more fully described in its Mechanics Lien, a true
9 copy of which is attached hereto as Exhibit A.

10 Pursuant to California Civ. Code § 8460, an action to enforce a lien must be
11 commenced within 90 days after the recordation of the mechanics lien. However, due to the
12 automatic stay set forth in section 362 of the Code and effective as of January 29, 2019, Hyundai
13 is precluded from filing a state court action to enforce its Mechanics Lien.

14 Pursuant to section 546(b)(2) of the Code, Hyundai hereby gives notice in lieu of
15 the commencement of any such action to perfect, maintain, or continue the perfection of its Lien.
16 Hyundai is filing and serving this Notice to preserve, perfect and maintain the perfection of its
17 Lien and its rights in the Property to comply with the requirements set forth in sections 362 and
18 546 of the Code, California state law, and any other applicable law. By this Notice, the Debtor
19 and other parties in interest are estopped from claiming that the lawsuit to enforce the Mechanics
20 Lien was not timely commenced pursuant to applicable state law. Hyundai intends to enforce its
21 lien rights to the fullest extent permitted by applicable law. The interests perfected, maintained,
22 or continued by section 546(b)(2) extend in and to the proceeds, products, offspring, rents, or
23 profits of the Property.

24 The filing of this Notice shall not be construed as an admission that such filing is
25 required under the Code, the California mechanics lien law, or any other applicable law. In
26 addition, Hyundai does not make any admission of fact or law, and Hyundai asserts that its Lien
27
28

1 is senior to and effective against any entities or persons that may have acquired rights or interests
2 in the Property previously.

3 Hyundai asserts a secured interest in the Property to the fullest extent allowed by
4 applicable law, including interest under the legal rate from April 1, 2019. Further, Hyundai
5 reserves the right to supplement and/or amend this Notice and reserves any and all other rights
6 under applicable law.

7
8 Dated: July 29, 2019
New York, New York

HUGHES HUBBARD & REED LLP

9
10 By: /s/ Kathryn A. Coleman
Kathryn A. Coleman

11 One Battery Park Plaza
12 New York, New York 10004
13 Telephone: (212) 837-6000
Facsimile: (212) 422-4726
katie.coleman@hugheshubbard.com

14 *Counsel for Hyundai Corporation USA*
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EXHIBIT A

RECORDING REQUESTED BY:

Mr. Sa Hoon Pack
Hyundai Corporation USA
21250 Hawthorne Blvd. #775
Torrance, CA 90503

WHEN RECORDED MAIL:

Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004
Attn: Kathryn A. Coleman, Esq.

Doc #: 2019-063878
06/18/2019 02:20:44 PM
Page: 1 of 6 Fee: \$112.00
Steve J. Bestolarides
San Joaquin County Recorders
Paid By: SHOWN ON DOCUMENT



SPACE ABOVE THIS LINE FOR RECORDER USE ONLY

Claim of Mechanics Lien

DOCUMENT TITLE

Separate page pursuant to Government Code § 27361.6

RECORDING REQUESTED BY:

Mr. Sa Hoon Pack
Hyundai Corporation USA
21250 Hawthorne Blvd. #775
Torrance, CA 90503

AFTER RECORDING RETURN TO:

Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004
Attn: Kathryn A. Coleman, Esq.

For Recorder's Use

CLAIM OF MECHANICS LIEN

(Cal. Civ. Code § 8416, et seq.)

Hyundai Corporation USA ("Claimant") hereby claims a mechanics lien on the real property in the City of Tracy, County of San Joaquin, California, and more particularly located at Pacific Gas & Electric Company, 23851 Kasson Road, Tracy, CA 95304, APN: 239-090-040-000 (the "Property"), owned or reputed to be owned by Pacific Gas & Electric Company, for the sum of \$79,003.00, plus interest thereon at the legal rate from April 1, 2019, which is due and unpaid (after deducting all just credits and offsets) for labor, services, materials and equipment furnished by Claimant, pursuant to a contract entered into by Claimant and Pacific Gas & Electric Company, effective as of October 3, 2017 (the "Master Agreement"). Under Purchase Order # 2501593682, which arises under the Master Agreement, Claimant is due and unpaid for labor, services, materials and equipment related to the gray colored Transformer, serial # 20171632-TFC039, located at the Property.

Claimant was contracted to furnish the same by/furnished the same to Pacific Gas & Electric Company under contract with Steve Coleman, Senior Director of Sourcing at Pacific Gas & Electric Company. The name and address of the owner(s) or reputed owners(s) of the real property is/are: Pacific Gas & Electric Company, 77 Beale Street, 32nd Floor, San Francisco, CA 94105.

Dated: June 13, 2019

By: 
Sa Hoon Pack

Hyundai Corporation USA
21250 Hawthorne Blvd. #775
Torrance, CA 90503
Telephone: (424) 254-2390
Email: shpack@hyundaicorp.com

VERIFICATION

I am the President of Hyundai Corporation USA and the foregoing Claim of Mechanics Lien is true of my own knowledge, except for matters stated in it on the basis of my information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 13, 2019

By: /s/ Sa Hoon Pack
Sa Hoon Pack

Hyundai Corporation USA
21250 Hawthorne Blvd. #775
Torrance, CA 90503
Tel: (424) 254-2390
shpack@hyundaicorp.com

NOTICE OF MECHANICS LIEN

ATTENTION!

Upon the recording of the enclosed **MECHANICS LIEN** with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS' STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Los Angeles }

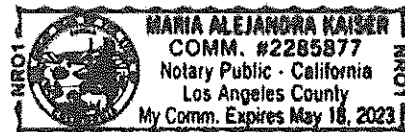
On June 17, 2019 before me, Maria Alejandra Kaiser, Notary Public
(Here insert name and title of the officer)

personally appeared Sa Hoon Park,
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Maria Alejandra Kaiser
Notary Public Signature (Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

- (Title) _____
☐ Partner(s)
☒ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

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State of California }

County of Los Angeles }

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(Here insert Name and Title of the officer)

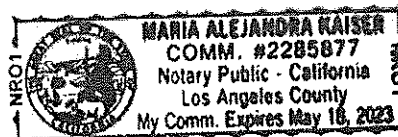
personally appeared Sa Hoon Park,
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Maria Alejandra Kaiser
Notary Public Signature

(Notary Public Seal)



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DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-In-Fact
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PROOF OF SERVICE

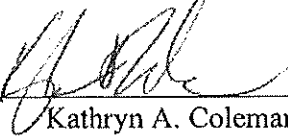
KATHRYN A. COLEMAN, an attorney, hereby certifies under penalty of perjury that on June 7, 2019, she caused a true and correct copy of Hyundai Corporation USA's CLAIM OF MECHANICS LIEN and NOTICE OF MECHANICS LIEN on Pacific Gas & Electric Company named below by certified mail, return receipt requested, at the address shown below:

Owner: Pacific Gas & Electric Company
77 Beale Street
San Francisco, CA 94105

Dated: June 7, 2019
New York, New York

HUGHES HUBBARD & REED LLP

By: /s/


Kathryn A. Coleman

One Battery Park Plaza
New York, New York 10004
Tel: (212) 837-6000
Fax: (212) 422-4726
katie.coleman@hugheshubbard.com

Counsel for Hyundai Corporation USA